

US EPA RECORDS CENTER REGION 5
434712

I, John Schierberl, being duly sworn and cautioned, hereby depose and say as follows:


1. My name is John Schierberl, and I am employed by the Ohio Environmental Protection Agency ("Ohio EPA"). My office is located in the Central Office of Ohio EPA, 1800 WaterMark Drive, Columbus, Ohio.
2. Since approximately August 11, 1991, I have been employed as an Environmental Specialist II in the Compliance Assurance Section (fka the Compliance Monitoring and Enforcement Section), Division of Hazardous Waste Management ("DHWM"), Ohio EPA. My job duties and responsibilities in this position include the preparation of and participation in hazardous waste enforcement cases (i.e. administrative negotiations and judicial litigation). I also review findings of inspections, costs estimates for closure of hazardous waste management units, and other evidence and information to be used as evidence in hearings and litigation, and provide expert testimony in hearings and enforcement cases.
3. Since at least September 1990, Dayton Electroplate, Inc., has stored hazardous wastes in roll off boxes and drums at 1030 Valley Street, Dayton, Ohio ("Facility"). These hazardous wastes include waste solvents and spent zinc plating and cleaning sludges containing cyanides. The Facility has in the past also stored drums of unknown contents that Ohio EPA believed to be hazardous wastes. Many of these drums and tanks were in poor and deteriorating condition, and some had leaked hazardous wastes. Neither Dayton Electroplate, Inc. nor Charles Borum has ever applied for nor received a hazardous waste installation and operation permit from Ohio EPA.
4. Through numerous letters and verbal communications, Ohio EPA has communicated to Dayton Electroplate, Inc. and Charles Borum the need to conduct remediation of areas used to illegally store hazardous wastes at the Facility. On February 14, 1994, the State, through the Ohio Attorney General's Office, filed a Complaint for Injunctive Relief and Civil Penalty against Dayton Electroplate, Inc. and Charles and Paul Borum. This complaint alleged 11 violations of the state's hazardous waste laws. On May 4, 1995, the state entered into a Consent Order with Dayton Electroplate, Inc. et al. ("Defendants"). The Consent Order required the Defendants to submit a closure plan, implement it once receiving approval from Ohio EPA, and to pay a civil penalty of \$5,000. To date, I have not received a closure plan from the Defendants. If the Defendants fail to conduct closure, Ohio EPA may have to conduct closure to protect the public health and the environment.

6. I believe the facts presented in this affidavit are true based on my knowledge and on information supplied to me by Ohio EPA, which I believe to be true and accurate.

Further, Affiant sayeth naught.


JOHN SCHIERBERL

Sworn to and subscribed before me this 13th day of November, 1995.


NOTARY PUBLIC

Frances M. Kovac
Notary Public - State of Ohio
My Commission Has No Expiration Date